

Taking on the World

INTELLECTUAL PROPERTY
PROTECTION

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2005 International Business Certification
For Economic Development Professionals

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Silver Star Hotel & Casino, Pearl River Resort
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INTELLECTUAL PROPERTY PROTECTION

By

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INTELLECTUAL PROPERTY CATEGORIES

■ PATENTS

- RIGHT TO EXCLUDE OTHERS
- UTILITY VERSUS DESIGN

■ TRADEMARKS

- SOURCE-IDENTIFYERS
- TRADE DRESS

■ COPYRIGHTS

- ORIGINAL WORKS OF AUTHORSHIP
- THE IDEA/EXPRESSION DICHOTOMY

- PROPRIETARY INFORMATION
 - TRADE SECRETS
 - CONFIDENTIAL INFORMATION

- MASK WORKS

- OVERLAPS IN PROTECTION
 - SOURCE CODE
 - MARKS CONTAINING LOGOS

THE OWNERSHIP INTERESTS

- PATENTS
 - THE INVENTOR
 - ONLY INDIVIDUALS ARE INVENTORS FOR PATENT PURPOSES

■ TRADEMARKS

- THE FIRST USER

■ COPYRIGHTS

- THE AUTHOR
- EMPLOYER/EMPLOYEE RELATIONSHIP
- WORKS FOR HIRE

■ PROPRIETARY INFORMATION

- GENERALLY ANALOGOUS TO PATENTS
- STATE VERSUS FEDERAL LAW

■ EMPLOYER/EMPLOYEE CONFLICTS

- WRITTEN AGREEMENTS

- THE STATE INTEREST
 - STATUTES
 - REGULATIONS POLICIES
 - POLICIES

- THE FEDERAL INTEREST
 - STATUTES
 - REGULATIONS
 - GRANTS
 - MARCH-IN RIGHTS
 - OVERRIDING FEDERAL INTEREST

- INDEPENDENT CONTRACTORS
 - EFFECT OF PAYMENT OF CONSIDERATION

- JOINTLY-DEVELOPED PROPERTIES
 - WRITTEN AGREEMENTS
 - PATENT/COPYRIGHT DIFFERENCES

PROTOCOLS FOR PROTECTION

- PROOF OF DEVELOPMENT
 - INVENTORY LOGS/DIARIES
 - INVENTION DISCLOSURE STATEMENTS
- AVAILABILITY SEARCHES
 - PATENTS
 - NOVELTY VERSUS INFRINGEMENT
 - TRADEMARKS
 - REGISTERED VERSUS UNREGISTERED

- COPYRIGHTS
 - INDEPENDENT CREATION/ACCESS
- PROPRIETARY INFORMATION

INVENTION AGREEMENTS

- U.S. REGISTRATIONS
 - PATENTS (*SINE QUA NOM*)
 - TRADEMARKS (COMPARE COMMON LAW)
 - COPYRIGHTS (CREATION/ENFORCEMENT)
 - PROPRIETARY (UNAVAILABLE)

■ FOREIGN REGISTRATIONS

■ PATENTS

- PCT
- PARIS UNION
- EUROPEAN COMMUNITY

■ TRADEMARKS

- PARIS UNION
- MADRID
- EUROPEAN COMMUNITY

■ COPYRIGHTS – UNAVAILABLE

■ PROPRIETARY – UNAVAILABLE

■ AVOIDANCE OF LOSS

- NONDISCLOSURE

- CONTROLLED LICENSING
- POLICING RIGHTS
- LITIGATION

COMMERCIAL EXPLOITATION

- LICENSING
 - UNITED STATES
 - FOREIGN
- TRANSFER OF RIGHTS
- JOINT VENTURES

INTERNET ISSUES

- TRADEMARKS VERSUS DOMAIN NAMES
 - DIFFERENCES
 - CYBERSQUATTING
 - ANTI-DILUTION (FAMOUS MARKS)
- FRAMING
 - TRADEMARK ISSUES
 - COPYRIGHT ISSUES
 - SEARCH ENGINES

- BUSINESS METHOD PATENTS
 - OFFENSIVE STRATEGY
 - DEFENSIVE STRATEGY
 - LIMITED PRIOR INVENTOR DEFENSE

MULTIMEDIA WORKS

- COPYRIGHT ISSUES

PRIVACY AND SECURITY